

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **Ernest Tyrone Green Jr v Dept of Corrections**  
Docket No. **295133**  
L.C. No. **09-002941-AH**

Donald S. Owens, Judge, acting under MCR 7.211(E)(2), orders:

Plaintiff's correspondence received on December 15, 2009 is treated as a timely motion for reconsideration of the December 1, 2009 order, and the motion for reconsideration is GRANTED. The December 1, 2009 order is VACATED.

The motion to waive fees pursuant to MCR 7.202(4) and MCR 7.206(D)(1)(d) is DENIED because MCL 600.2963 mandates that a prisoner pursuing a civil action be liable for the filing fees. Appellant is not required to pay an initial partial fee. Further, appellant has already refilled his pleadings and requested to continue with this original action with expressed knowledge of his ultimate liability for the \$375 entry fee. By doing so, plaintiff has become responsible for paying the \$375 filing fee and may not file another appeal or original action in this Court until such time that either the Department of Corrections remits or plaintiff pays the entire outstanding balance due. 1999 PA 147, MCL 600.2963(8).

Monthly payments shall be made to the Department of Corrections in an amount of 50 percent of the deposits made to plaintiff's account until the payments equal the balance due of \$375. This amount shall then be remitted to this Court. Again, plaintiff may not file either an original action or an appeal until plaintiff pays the entire outstanding balance due. 1999 PA 147, MCL 600.2963(8).

The Clerk of this Court shall furnish two copies of this order to plaintiff and return plaintiff's pleadings with this order.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN - 6 2010

Date

*Sandra Schultz Mengel*  
Chief Clerk